

**REMARKS**

Claims 1-19 are pending in the application. Claims 1 and 4 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

***I. ALLOWABLE SUBJECT MATTER***

Applicant acknowledges with appreciation the indicated allowability of claims 4-6 subject to being amended to overcome an indefiniteness.

***II. REJECTION OF CLAIMS 1-18 UNDER 35 USC §112, 2<sup>nd</sup> ¶***

Claims 1-18 stand rejected under 35 USC §112, second paragraph, as being indefinite. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Regarding claim 1, line 11, the Examiner indicates it is unclear whether “a pad” refers to one of the first pad, the second pad, or an additional pad. The Examiner suggests claim 1 be amended by changing “a pad” to -- the first pad and the second pad --. Applicant has adopted the Examiner’s suggestion.

The Examiner objects to claim 4 as referring to “the anvil” at lines 8 and 13. The Examiner points out that no anvil has been introduced as of yet in the claim. Therefore, the Examiner submits that “the anvil” lacks sufficient antecedent basis. Moreover, the Examiner suggests that claim 4 may be redundant in view of claims 5 and 6.

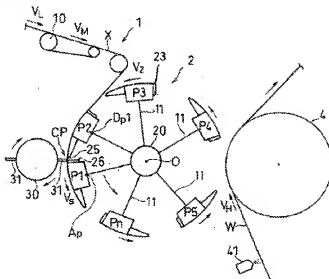
In response, applicant has amended “the anvil of the first/second pad” in lines 8 and 13 of claim 4 to read -- an anvil of the first/second pad used for cutting the elastic member --. Applicant respectfully submits that such change provides appropriate antecedent basis while continuing to differentiate claim 4 over claims 5 and 6.

In view of the above amendments to claims 1 and 4, applicant respectfully requests withdrawal of the rejection of claims 1-18.

### III. REJECTION OF CLAIMS 1, 7, 13 AND 19 UNDER 35 USC §102(b)

Claims 1, 7, 13 and 19 stand rejected under 35 USC §102(b) based on Boothe et al. Applicant respectfully traverses this rejection for at least the following reasons.

Independent claims 1 and 19 each recite an aspect of the invention where “when the elastic member striding over the first pad and the second pad is cut off, an interval between the first pad and the second pad is shortened so as to reduce a shrinking force of a portion of the elastic member between the first pad and the second pad”.

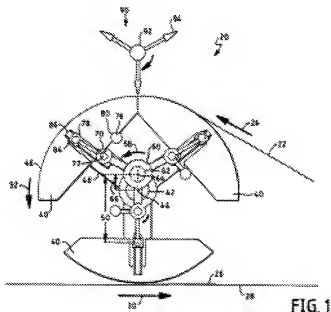


*Fig. 1A of Present Application (Invention)*

This aspect of the invention is illustrated in Fig. 1A (reproduced above) of the present application, for example. Adjacent pads P1 and P2 are at a first particular spacing apart from each other when receiving the elastic member X at a velocity V2. Upon a given pad (e.g., P1) receiving the elastic member and traveling towards the

cutter 30, the pad will temporarily decelerate so as to allow the adjacent pad (e.g., P2) to reduce the interval (e.g., the interval between the pads P1 and P2) as is shown in a comparison of the separation between pads P1 and P2, and the separation between pads P2 and P3. In the exemplary embodiment, the adjacent pads P1 and P2 touch or nearly touch at the time of the cutting of the elastic member as shown in FIG. 1A.

Thus, the present application describes how the invention relates to reducing the interval between the respective paths so as to reduce a shrinking force of a portion of the elastic member between the first pad and the second pad when the elastic member is cut.



*Fig. 1 of Boothe et al.*

Referring to Fig. 1 (reproduced above), Boothe et al. describes an apparatus for receiving an elongated elastic material 22 at a first speed, cutting the elongated elastic material 22 with a cutter 90, and transferring the cut discreet elastic parts onto a product web 28 at a second speed. The Examiner suggests that Boothe et al. is teaching the spacing between the first and second pad being shortened at the location of cutoff and elastic pickup (citing Col. 1, Ins. 5-15 and Col. 11, Ins. 4-6). The Examiner goes on to

point out how Boothe et al. describes the transfer of the elastic segments onto the web 28 at a higher speed than a speed at which the elastic was fed.

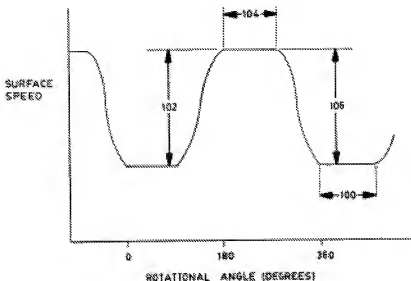


Fig. 3 of Boothe et al.

Initially, applicant wishes to note he agrees with the Examiner that Boothe et al. teaches transferring the elastic segments onto the product web 28 at a higher speed than the speed with which the elastic was fed onto the transfer segments 40. This is illustrated, for example, in Fig. 3 of Boothe et al. (reproduced above).

However, if Boothe et al. is teaching transferring the elastic segments to the product web at a speed greater than the speed at which the elastic web is fed onto the transfer segments 40, this would require that the spacing between the respective transfer segments 40 increase rather than decrease as recited in claims 1 and 19 of the present application.

In other words, Boothe et al. and particularly Fig. 1 illustrates how the adjacent transfer segments 40 when receiving the elastic web 22 are touching each other. Moreover, Fig. 1 illustrates how the cutter 90 cuts the elongate elastic material 22 while the transfer members 40 remain touching each other. Applicant respectfully submits that it is only after the cutting of the elastic material 22 that the transfer members 40 in

Boothe et al. undergo a change in speed in order separate from one another and place the discrete elastic member segments on the product web 28 with a different spacing.

Nowhere has Boothe et al. been found to teach or suggest that an interval between adjacent transfer members 40 is shortened so as to reduce a shrinking force of the elastic member between the respective transfer members 40 as recited in claims 1 and 19. Boothe et al. merely teaches that the already elongated elastic material is received by the transfer segments 40 at the first speed, is cut into discrete segments by the cutter 90, and applies the discrete elastic segments to the product web at the second speed so as to provide a different (larger) spacing for placement on the web 28.

Thus, while Boothe et al. teaches providing a change in speed of the transfer members, it is an increase in speed for purposes of adjusting the spacing of the previously cut elastic segments so as to provide a different spacing on the web 28. Booth et al. does not teach or suggest a decrease in speed between transfer members already having received the elastic material 22 in order to shorten an interval therebetween and reduce a shrinking force when cutting as recited in claims 1 and 19.

As is noted in Fig. 3 of Boothe et al., for example, there is no deceleration between the low speed dwell time during which the elongated elastic material is applied to the transfer segments 40 and cut by the cutter, and the acceleration to the high speed dwell time in which the cut segments are applied to the product web. Thus, there cannot be a time in which the interval between the respective transfer elements 40 is reduced in order to allow cutting with a reduced shrinking force as recited in claims 1 and 19.

For at least the above reasons, Boothe et al. simply does not teach or suggest reducing the interval between the first pad and the second pad so as to reduce a shrinking force of a portion of the elastic member when cutting the elastic member as recited in claims 1 and 19. Applicant respectfully requests withdrawal of the rejection of claims 1 and 19, as well as the claims dependent therefrom.

**IV. REJECTIONS OF CLAIMS 1-3 AND 7-19 UNDER 35 USC §103(a)**

Claims 1-3, 7-15 and 19 also stand rejected under 35 USC §103(a) based on Boothe et al. in view of Ujimoto et al. Claims 16-18 stand rejected under 35 USC §103(a) based on Boothe et al. in view of Ujimoto et al., and further in view of Beaudoin et al. and Ales et al. Applicant respectfully traverses these rejections for at least the following reasons.

Ujimoto et al., Beaudoin et al. and Ales et al. do not make up for the above-discussed deficiencies in Boothe et al. in relation to claims 1 and 19. Accordingly, even when combined as proposed by the Examiner, the claimed invention does not result.

Applicant respectfully requests withdrawal of the rejections.

**V. CONCLUSION**

Accordingly, all claims 1-19 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino

Reg. No. 34,243

DATE: September 29, 2006

The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113